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January 31, 2022

**BY ECF**

Hon. Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *N.J. obo G.J. v. N.Y. City Dep't of Educ., et al.*  
Index No. 18 CV 6173 (JMF) (BCM)

Dear Judge Furman,

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for the Defendants in the case referenced above. I write jointly with Plaintiffs' counsel, and pursuant to the Court's Order, dated November 30, 2021, to provide this status report, and to request additional time for the parties to either file a motion for reconsideration and/or to certify for interlocutory appeal the Court's Opinion and Order dated March 15, 2021.

Since the parties' conference with the Court on November 30, 2021, the parties scheduled a settlement conference with Magistrate Judge Moses, and Defendants informed Plaintiffs that they are open to the inclusion of monetary damages in a settlement, as the Court directed. A settlement conference was scheduled for today, but on Friday, January 28, 2022, the conference was adjourned at Defendants' request. Defendants do not yet have settlement authority for monetary damages and need more time to discuss Plaintiffs' demand with representatives from the Comptroller's Office. The parties rescheduled the conference with Judge Moses for February 17, 2022.

The parties respectfully request that the Court extend the time for the parties to file a motion for reconsideration and/or certify the Court's Opinion and Order for interlocutory appeal, and that they be permitted to write another status letter on February 18, 2022. Consistent with the Court's November 30, 2021 Order, if the matter has not settled by that time, the parties respectfully request the opportunity to propose next steps in the litigation at that time, including a date on which parties will file motions connected to the Court's March 15, 2021 Opinion and Order.

I have communicated with Elisa Hyman, Esq., Plaintiffs' attorney, and as indicated above, this letter, and the requests within, are submitted jointly, subject to the below reservation.

Plaintiffs previously advised the Court that one of the Student's existing compensatory banks from which the Department of Education has been funding tutoring would be expiring shortly. The parties agreed that they would endeavor to work collaboratively to insure that the Sstudent could receive additional services based on instructional services that were already awarded but not yet provided. The parties, however, have not yet reached an agreement as to the extension, and may have a discrepancy regarding the exact amount of hours remaining to the Student. It is Plaintiffs' understanding that G.J. only has a few weeks left of funding for services in his initial bank of hours. Plaintiffs advise that if this issue cannot be resolved, they may make an emergency application on this narrow issue prior to February 18, 2022.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg  
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.  
The Law Offices of Elisa Hyman, P.C.  
Attorneys for Plaintiffs

Application GRANTED. The parties will submit a status report by February 18, 2022, informing the Court whether they have settled or proposing next steps in the litigation. This case is stayed, and the parties' deadline to file any motion for reconsideration and/or motion to certify for interlocutory appeal the Court's March 15, 2021 Opinion and Order, ECF No. 86, is hereby extended, until February 18, 2022. The Clerk of Court is directed to terminate ECF No. 113. SO ORDERED.



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February 1, 2022